

MARK D. FOWLER (Bar No. 124235)  
[mark.fowler@dlapiper.com](mailto:mark.fowler@dlapiper.com)  
 CLAYTON THOMPSON (Pro Hac Vice)  
[clayton.thompson@dlapiper.com](mailto:clayton.thompson@dlapiper.com)  
 DAVID ALBERTI (Bar. No. 220625)  
[david.alberti@dlapiper.com](mailto:david.alberti@dlapiper.com)  
 CHRISTINE K. CORBETT (Bar No. 209128)  
[christine.corbett@dlapiper.com](mailto:christine.corbett@dlapiper.com)  
 YAKOV M. ZOLOTOREV (Bar No. 224260)  
[yakov.zolotorev@dlapiper.com](mailto:yakov.zolotorev@dlapiper.com)  
 CARRIE L. WILLIAMSON (Bar No. 230873)  
[carrie.williamson@dlapiper.com](mailto:carrie.williamson@dlapiper.com)

DLA PIPER LLP (US)  
 2000 University Avenue  
 East Palo Alto, CA 94303-2215  
 Tel: 650.833.2000  
 Fax: 650.833.2001

Attorneys for Defendant and Counterclaimant  
 Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.

Plaintiff-Counterclaim Defendant,

v.

SUN MICROSYSTEMS, INC.

Defendant-Counterclaim Plaintiff.

Case Nos. 3:07-CV-05488-EDL  
 3:07-CV-06053-EDL  
 3:08-CV-01641-EDL

**STIPULATION AND ~~PROPOSED~~ ORDER  
 EXTENDING STAY OF CASES UNTIL  
 AUGUST 4, 2010**

On April 6, 2010, NetApp, Inc. and Sun Microsystems, Inc. stipulated to, and the Court ordered, a stay of all three of the currently pending actions between the parties (3:07-CV-05488-EDL, 3:07-CV-06053-EDL, and 3:08-CV-01641-EDL) until June 4, 2010. (-6053 action, Dkt. # 683; -5488 action, Dkt.# 362; -1641 action, Dkt. # 169). The parties hereby further stipulate, subject to the Court's approval, to further extend the stay of all three actions until August 4, 2010, to permit the parties to continue to explore the possibility of an extra-judicial resolution of their disputes. The June 15 case management conference is vacated, subject to Court approval.

STIPULATION AND [PROPOSED] ORDER STAYING  
 CASES UNTIL AUGUST 4, 2010

1 The parties agree that neither side will use this stay to later argue lack of diligence on the part of  
 2 the other party.

3 By August 5, 2010, the parties shall jointly report to the Court on the status of their  
 4 discussions, the litigation, and next steps. The parties request that the Court now schedule an  
 5 omnibus case management conference in all three cases on Tuesday, August 10, 2010 at 10 a.m.,  
 6 or on the next date consistent with the Court's schedule.

7  
 8 Dated: June 4, 2010

9 DLA PIPER LLP (US)

10 By: /s/ Mark D. Fowler

11 MARK D. FOWLER  
 12 CLAYTON THOMPSON  
 13 DAVID ALBERTI  
 14 CHRISTINE K. CORBETT  
 15 YAKOV M. ZOLOTOREV  
 16 CARRIE L. WILLIAMSON

17 Attorneys for  
 18 Sun Microsystems, Inc.

19 Dated: June 4, 2010

20 WEIL, GOTSHAL & MANGES LLP

21 By: /s/ Edward R. Reines

22 MATTHEW D. POWERS  
 23 EDWARD R. REINES  
 24 JEFFREY G. HOMRIG  
 25 JILL J. HO

26 Attorneys for  
 27 NetApp, Inc.

**[PROPOSED] ORDER**

To continue to permit the parties to explore the possibility of an extra-judicial resolution of their disputes, the parties' joint request to extend the stay is **GRANTED**. All proceedings in Civil Action Nos. 3:07-CV-05488-EDL, 3:07-CV-06053-EDL, and 3:08-CV-01641-EDL are hereby stayed until August 4, 2010. All currently scheduled deadlines, including the June 15 case management conference, are vacated. Neither party may rely upon this stay to later argue lack of diligence on the part of the other party.

By August 5, 2010, the parties shall jointly report to the Court on the status of their discussions, the litigation, and next steps. An omnibus case management conference in all three cases shall be held on Tuesday, August 10, 2010 at <sup>3:00 p.m.</sup>~~10 a.m.~~

**IT IS SO ORDERED.**

Dated: June 4<sup>th</sup>, 2010

  
UNITED STATES MAGISTRATE JUDGE  
ELIZABETH D. LAPORTE